

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, AUGUST 10, 2017

Presiding: Mayor David D. Ogden
Meeting Convened at 6:40 p.m.
Prayer: Greg Venema
Pledge of Allegiance

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Brent Barrus, and Greg Venema. Councilman Joe Cherrington was excused. City Public Works Director Zane Baler; Chairman Dave Thompson of the Planning and Zoning Commission; City Attorney Bill Forsberg. The Economic & Community Development Manager Ted Hendricks; Sugar Salem High School Student Janalee Eckman; Citizens Joy Ball, Nick Eckman, Kristin Galbraith, Elaine King, Claudia Mecham, and Vaun Waddell.

RESTORING THE HISTORIC SUGAR CITY THEATRE: Janalee Eckman presented a Project Citizen report to the council on how the city and community could benefit from restoring the old Weada Theatre. The theatre was built in 1919 and is one of the last historical buildings in Sugar City. It went through the flood of 1976, when the Teton Dam broke, and was later used as a lunchroom for the high school. It is currently owned by Harold Harris, who bought it with the intention of someday having it restored. The old theatre could house a museum upstairs and a community center on the main floor, where community events and plays could be held. The restoration would cost anywhere from \$600,000 to \$1,000,000. There are several grants that could help. The mayor and council liked the idea, but were concerned with the price. They asked Janalee to work with Mr. Harris to come up with six names of citizens who might serve on the city's "Historic Preservation Commission." The project will also be added to the city's needs list.

SUGAR CITY WATER IMPROVEMENT PROJECT INCLUDING BOND ELECTION: Ted Hendricks, manager of the Development Company, explained the process and steps to take for a bond election, which has been approved and authorized by the council for the water improvement project. The bond would help build a new well, storage tank, and pump, with a secondary irrigation system to conserve ground water. The city currently does not have enough water storage to protect its schools. Stephanie Bonnie has been selected as the bond attorney. She had prepared the Bond Ordinance and Summary for the council to review and adopt for the November 7, 2017, election ballot for authority from the citizens to incur the debt. The Department of Environmental Quality (DEQ) has indicated they would fund the project at 1.5%. The city would consolidate its existing water/sewer bond at the lower rate and would need to borrow \$3.7 million for the project. Revenue bonds only require a simple majority – 50% plus a vote, instead of a two-thirds majority. The average monthly cost increase for each household for water would be about \$37. However, a longer-term agreement and/or probable grants could make the increase much less.

ORDINANCE NO. 327_2017 (Providing for the Acquisition and Construction of Improvements to the Domestic Water System Facilities):

Ordinance No. 327_2017 was introduced by title only by Councilman Barrus entitled:

“AN ORDINANCE PROVIDING FOR THE ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE DOMESTIC WATER SYSTEM FACILITIES OF THE CITY OF SUGAR CITY, IDAHO; CALLING FOR A SPECIAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF INCURRING AN INDEBTEDNESS AND ISSUING THE REVENUE BONDS OF THE CITY IN A PRINCIPAL AMOUNT NOT TO EXCEED \$3,7000,000 TO PAY THE COST THEREOF; ESTABLISHING THE DATE AND TIME OF THE ELECTION; APPROVING A FORM OF BALLOT AND PROVIDING FOR NOTICE OF THE SPECIAL BOND ELECTION; PROVIDING FOR REGISTRATION OF VOTERS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE”

It was moved by Councilman Venema and seconded by Councilman Barrus to waive reading of the ordinance on three different days and to place it upon its final passage. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilmen King, Venema, and Barrus

Those voting nay: None

Councilman Cherrington was excused

Thereupon, the mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilman Barrus and seconded by Councilman Venema to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilman Barrus, Venema, and King

Those voting nay: None

Councilman Cherrington was excused

Ordinance No. 327_2017 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The clerk will publish Ordinance No 327_2017 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the city of Rexburg, Madison County, Idaho.

MOTION: It was moved by Councilman Barrus and seconded by Councilman Venema to authorize the city clerk to execute the Certification of Sugar City Outstanding and Proposed Debt; motion carried.

MINUTES: Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on July 20, 2017. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman King and seconded by Councilman Barrus to accept the minutes as amended to correct a name; motion carried.

July 13, 2017, Minutes: Councilman King insisted the council consider Citizens for the Rule of Law Chairman Vaun Waddell's request to attach six items to the adopted July 13, 2017, minutes, even though Attorney Forsberg explained that most of the items requested to be included in the council minutes are actually part of the public hearing record, which is separate. The petition was not received until after both meetings concluded, although Mr. Waddell referenced the petition during his testimony at the public hearing. The council will review Mr. Waddell's request of August 2, 2017, to City Clerk-Treasurer McLaughlin. Councilman King will forward Vaun's letter, which requests that the July 13, 2017, minutes be amended to the rest of the council for review (see Attachment #1).

RECONCILIATION REPORTS: Wendy presented the July reconciliation reports for the General Fund. It was moved by Councilman King and seconded by Councilman Venema to accept the July reconciliation reports for the General Fund; motion carried. Wendy presented the July reconciliation reports for the Utility Fund. It was moved by Councilman Barrus and seconded by Councilman King to accept the July reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$39,831.83. It was moved by Councilman King and seconded by Councilman Barrus to pay the current bills, together with all regular August bills; motion carried.

PLANNING AND ZONING COMMISSION REPORT: Dave Thompson reported on the following items:

Public Hearings Set for Wednesday, August 23, 2017: The commission set for public hearing the following applications:

- Wilding/Johnson Variance Permit Application for setbacks on new single family construction – 222 S Fremont and Third South
- Dalen Tolman Special Use Permit for an existing home to be altered as a duplex – 220 S Teton
- Old Farm Estates Division #2 Lot 1 Block 12 Preliminary Plat for South Fork Villa Subdivision for construction of 16 4-plex and 4 6-plex units
- Land Use Schedule proposed revisions

City Code Revision: To change the parking space requirements to 2 instead of 1.5 and make it consistent through the code.

Impact Area Expansion: The commission will set up a meeting with the county and the City of Rexburg to discuss the area of expansion. Bradley Petersen is the new Madison County Planning and Zoning administrator.

City Growth Status: No report

Association of Idaho Cities (AIC) Training: Dave reviewed some grant ideas for safety from training received at the AIC conference.

Planning and Zoning Assignments: Dave Thompson – Chairman, Tyson Harris – Vice-Chairman. Councilman Greg Venema will be council liaison.

MOTION TO AMEND THE AGENDA: The council made a motion to amend the agenda to include an executive session.

MOTION: It was moved by Councilman Venema and seconded by Councilman Barrus to amend the agenda to include an executive session; motion carried.

EXECUTIVE SESSION:

7:40 P.M. It was moved by Councilman Venema and seconded by Councilman Barrus, pursuant to Idaho Code 74-206 1(f), "Legal counsel on pending or imminently likely litigation, not merely when legal counsel is present," to move into executive session. The mayor called for a roll call vote:

Those voting aye: Councilmen King, Venema, and Barrus

Those voting nay: None

Councilman Cherrington was excused.

Thereupon the mayor declared the motion passed.

Councilman King did not attend the executive session, since he had recused himself from deliberations and decision-making regarding the legal motion for reconsideration of the council's May 25 decision to rezone Division 3 of Old Farm Estates brought by a concerned citizen group.

8:15 P.M. The executive session ended and the regular council meeting reconvened. No decisions were made and there was no deliberation.

MAYOR'S REPORT: The mayor reported on the following items:

Eclipse Update: We currently have 47 recreation vehicle (RV) camp sites rented out in the business park for the eclipse on Monday, August 21. Rexburg's tent camping is full and will send the rest to us.

Old Farm Estates/River Bend Ranch: No report

Old Farm Estates Water Tank Property Appraisal: The property was assessed by Boam and Associates of Idaho Falls at \$250,000 for the two-acre lot. Councilman King strongly objected to the appraisal and suggested the city consider less-expensive parcels elsewhere. The council agreed to get a second appraisal.

Showcase Interior Sewer Line Hook-up: Showcase Interiors has asked to hook into the city's sewer line. City Engineer Dick Dyer will provide an estimated cost.

RESOLUTION NO. 2017-14 (New Parking Penalty Fee Structure): Resolution 2017-14 was introduced. It was moved by Councilman Venema and seconded by Councilman Barrus to approve Resolution No. 2017-14; motion carried.

Thereupon, the mayor declared the motion passed. A copy of said resolution is attached hereto marked "Attachment 2."

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) REQUIRED WATER

CERTIFICATIONS: The mayor introduced the DEQ Subaward Amendment, which outlines the finality of the planning grant. The date of the planning grant has been extended to June 30, 2018. The mayor will review the system requirements with City Engineer Dick Dyer, Public Works Director Zane Baler, and Arlynn Jacobson and make any modifications necessary to water certifications.

MOTION: It was moved by Councilman Barrus and seconded by Councilman Venema to authorize the mayor to execute the amended subaward; motion carried.

MAYOR AND COUNCIL PAY RAISE, TENTATIVE BUDGET, AND PUBLIC

HEARING DATE: The council discussed the possibility of raising council member pay from \$200 to \$600/month and the mayor's salary from \$800 to \$1200/month. However, the council was reluctant to raise their salary, stating that it was not a good time. Councilman King opposed any salary increase this year since the council boosted salaries two years ago, but he felt that he could consider a raise sometime in the future. The council decided to raise the mayor's salary to \$1,000/month, which will start in January 2018.

MOTION: It was moved by Councilman Barrus and seconded by Councilman Venema to raise the mayoral salary to \$1,000/month and to adopt the tentative budget with the changes; motion carried, with Councilman King dissenting.

DEPARTMENT REPORTS:

COUNCILMAN KING: The Tree and Beautification Committee has been making sure Sugar City is presentable for the eclipse. The entrance signs have been weeded, and businesses have been encouraged to clean up any weeds and garbage around buildings.

COUNCILMAN CHERRINGTON: Excused

COUNCILMAN BARRUS: Councilman Barrus asked about the water line replacement for the existing system.

COUNCILMAN VENEMA: Councilman Venema asked about the alleys and how the city could encourage citizens to keep them cleaner and spray for weeds.

Meeting adjourned at 9:30 p.m.

Signed: _____
David D. Ogden, Mayor

Attested: _____
Wendy McLaughlin, Clerk-Treasurer

August 2, 2017

Ms. Wendy McLaughlin
Sugar City Clerk

Dear Ms. McLaughlin:

This is to request that the following items be included in or attached to the minutes of the public hearing held on July 13, 2017, on the Motion for Reconsideration of the zoning decision of May 25, 2017.

1. Within the minutes, a labeled list of attachments to the minutes.
2. Specifics of Mr. King's recusal: what he recused himself from and his reasons for recusing himself.
3. Attachment to the minutes of the 15 written testimonies.
4. Attachment to the minutes of Mr. Dunn's letter, the Superintendent of Schools, whose letter was read into the hearing on July 13 with Mr. Dunn's permission.
5. Attachment to the minutes of the text of the petition submitted by Citizens for the Rule of Law, read aloud in the hearing as testimony by me.
6. Attachment to the minutes of the signatures on the petition, approximately 283 in number, along with the statement in my testimony that the signatures represent more than 85 percent of the people contacted during three days preceding the public hearing.

Sincerely yours,



Vaun Waddell
Member, Citizens for the Rule of Law

RESOLUTION 2017-14

BE IT RESOLVED by the Mayor and Sugar City Council that effective October 1, 2017, the rates for the following items for Sugar City residences and businesses shall be as follows:

A. PARKING VIOLATIONS

<u>Violation</u>	<u>Penalty</u> <u>15 days *</u>
• Parking on a Sidewalk	\$15.00
• Parking Within 20 feet of Intersection	\$15.00
• Parking Within 15 feet of Fire Hydrant	\$25.00
• Parking on a Crosswalk	\$15.00
• Handicapped Parking Only	\$30.00
• Parking in a Fire Lane	\$25.00
• Parking in a Restricted Parking Zone	\$15.00
• Winter Parking Violation	\$15.00

* If not paid within ten (15) days of the date on the ticket an additional \$15 fee will be assessed.

UNANIMOUSLY APPROVED AND PASSED BY THE CITY COUNCIL AND MAYOR THIS
10TH DAY OF AUGUST 2017.

David D. Ogden, Mayor

ATTEST:

Wendy McLaughlin, City Clerk-Treasurer

(SEAL)